

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

# PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

see form PCT/ISA/220

Date of mailing  
(day/month/year) see from PCT/ISA/210 (page 2)

Applicant's or agent's file reference  
see form PCT/ISA/220

## FOR FURTHER ACTION

See paragraph 2 below

International application No.  
PCT/EP2004/051779

International filing date (day/month/year)  
8/12/2004

Priority date (day/month/year)  
8/18/2003

International Patent Classification (IPC) or both national classification and IPC  
B60R16/02

Applicant

ROBERT BOSCH GMBH

### 1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

### 3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/  
European Patent Office Munich

Authorized officer  
Geuss, H

Facsimile No.

Telephone No.

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/EP2004/051779

**Box No. I      Basis of this opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing  
☐ table(s) related to the sequence listing

b. format of material

- ☐ in written format  
☐ in computer readable form

c. time of filing/furnishing

- ☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE  
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International application No.  
PCT/EP2004/051779

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	_____	YES
	Claims	1-3 _____	NO
Inventive step (IS)	Claims	_____	YES
	Claims	1-3 _____	NO
Industrial applicability (IA)	Claims	1-10 _____	YES
	Claims	_____	NO

2. Citations and explanations:

see supplementary page

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/EP2004/051779

Box No. VI Certain documents cited

1. Certain published documents (Rules 43bis.1 and 70.10)

Application No.  
Patent No.

Publication date  
(day/month/year)

Filing date  
(day/month/year)

Priority date (valid claim)  
(day/month/year)

2. Non-written disclosures (Rules 43bis.1 and 70.9)

Kind of non-written disclosure

Date of non-written disclosure  
(day/month/year)

Date of written disclosure  
referring to non-written disclosure  
(day/month/year)

see from 210

IAP20 Rec'd PCT/PTO 06 FEB 2006

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(SUPPLEMENTARY SHEET) PCT/EP2004/051779

International file number PCT/EP2004/051779

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**Re Point V.2****Documents**

Reference is made to the following documents named in the search report:

- D1: DE 43 01 160 A1 (VDO ADOLF SCHINDLING AG, 60487 FRANKFURT; SIEMENS AG) July 21, 1994 (1994-07-21)
- D2: US-A-5 279 459 (SINGLE, II ET AL) January 18, 1994 (1994-01-18)
- D3: US-B1-6 435 055 (SATO HIROYUKI) August 20, 2002 (2002-08-20)
- D4: US 2003/220725 A1 (HARTER JOSEPH E ET AL) November 27, 2003

**Novelty and Inventive Step**

Claim 1 does not meet the requirements of Art. 33(2) PCT regarding novelty, because document D1 discloses all features of the claim. In particular, document D1 discloses (the notes in parentheses refer to D1):

A vehicle system for operation in a motor vehicle having an operator control ...  
(Abstract, col. 1, lines 6 through 11)  
and a controller for influencing operation of the vehicle system via the operator control (idem, Fig. 1),  
a device being provided which is designed for determining whether the vehicle driver or another occupant of the vehicle has operating access to the operator control (also Figure 2), and  
the controller is designed for influencing the operation

of the vehicle system via the operator control at least as a function of whether the operator control is being accessed by the driver or another occupant of the vehicle (also col. 4, lines 3 ff.).

The features of dependent Claims 2 and 3 are also anticipated by D1 with prejudice to their novelty; see also col. 2, lines 7 through 17.

Documents D2 and D3 also disclose the object of Claim 1, with prejudice to its novelty, Art. 33(2) PCT.

Document D4 discloses the features of Claims 1 through 6.

#### **Re Point VI**

Document D4 discloses the features of Claims 1 through 6.

#### **Note**

Should the Applicant file changes, he is requested to file them on replacement sheets as prescribed in Rule 66.8 a) PCT, bearing in mind that, pursuant to Rule 66.8 a) PCT, the examiner in the PCT procedure may make no changes however small they might be.

**The Applicant is requested to make the changes in handwritten form on the copies of the respective portions of the original Application. Filing of new text on the replacement sheets is not necessary and is also not desirable for reasons of procedure economy, Rule 66.8 b) PCT.**